App. F IX-4

Previous References

1924-25
(Misc)

File No. 52-29

Serial Nos. 85

Later References
Law 125-31-1-5

General and Revenue Secretariat.

Serial Nos.

Part B for

SUBJECT

Installation of the new Sivan
of Adichunchunigiri mutt
Nagamangala Taluk.

Filed

G.R.S. III—31

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

1) The Mag Cmr Mr D'Souza who was at the Chamdanpir mall on the occasion of the installation of the new Sarcuit desired me to send him a short note indicating the existing orders on the subject Succession & matters & what action might be taken to avert the trouble which was threatened at the time of the installation; and I have sent him today a copy of these notes for his information. 2) I submit a copy for the kind perusal of the Secnd Member.

BG
29-2-28

3) This seems to be a matter in which Legislative Secy may be consulted.

2nd Member) 2/3

1) A Japanese boy on this subject has been received from Mr [illegible]

4960

12358

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slip
the notes must be copied, or slips pasted c
this form.

4477/827

App. F. III—2]

General and Revenue Secretariat. File No. 52 of 1924 -

Serial No.

5085

5) The Mang: Comr's letter no. C 177 of 24-25 of 3.3.28 on the subject is submitted.

6) The municipality of Mangya has perhaps acted in a bona fide manner evidently on the representation made by the opposite party at the last moment that if the installation be not prevented there will be a great deal of trouble & breach of the peace &c &c.

7) May these papers be sent to the Law Secrett for opinion & on the recomm: of the Mang: Comr?

24
6.3.28

8) The Law Deptt may be consulted as to the incorporation of necessary provisions in the Cy Myth. This seems necessary to avoid conflict of jurisdiction and to give due authority to the orders of 1892.

2nd Remr

[illegible] 8/3

[illegible] 3.28

9) Law Deptt

8/3

NOTE—Contn. sheet.

file [illegible] Cy
Law Secrett
I received back
today i.e.
11/9/1928

WD 2293—GPB—10,000—4-5-27

General and Revenue Secretariat. File No of 192

Serial No

(b) Reference is invited to the Rules laid down in the G.O. of 14th Dec. 1892. They are rules based upon an "ancient" and "established" custom and require H.H. the Maharaja's approval to "every succession to a Mutt enjoying grant lands in land or money or honours granted by the Sovereign." They further lay down that "non-recognition of a successor by the Highness will involve the resumption all State grants in land or money and the customary Mariyathes and Birudhus granted or enjoyed under authority from the Sovereign." It is doubtful whether in these circumstances succession to Mutts enjoying such grants, after it is once approved by H.H. the Maharaja, can be contested in a Civil suit and whether legislation is necessary to bar the jurisdn. of Civil Courts in order to prevent the "clash" referred to in para 6 of the Muz. Govt's letter. A suit of this kind was lately filed in the Court of a Sub Judge's Court. The following observations made by the Chief Court when the went before the in connection with the application for a

Sringeri Mutt case

XXXIII Mys. C.C.R. pp. 644-45

NOTE.—Contin sheet

Serial No.

temporary injunction are not without significance & especially when the Br. O. of 16.12.92 does not appear to have been even known to their notice :—

"It is scarcely necessary to state that the arguments and the order have to be strictly confined to the question of injunction which is the immediate object sought and that they cannot in any way affect the controversy in the cause itself - - - - - We have no doubt that both on its own behalf and on behalf of the public the Govt is interested in maintaining the position of the Mutt ; That interest can in no wise be considered to be inferior to that of the plaintiff."

perhaps the question of legislation may be considered in the light of the final decision in the case referred to above. The suit is perhaps still pending in the Dt. Court. Whatever the decision of that Court, it will in all probability be appealed from by the aggrieved party & an authoritative ruling by the Hh. Court on the question of jurisdiction of Civil Courts to entertain such suits may be expected. There does not appear to be any such ruling now.

Secy)

22/1/29

Dy 29/1

Note. may be kept in unsettled file for the present.

Dy 12 N. 24558

Ser (may be awaited Murraidett) 31.1.29

Mr 29/1

30/1

Mer (Member)

NOTE—Contn. sheet

WD 02[illegible]—GHB—30,000—21-8-25

General and Revenue Secretariat.

File No. of 192

Serial No.

A

Noted. The file may be sent back to Prod. Br. for considering the question of Legislation when necessary arises.

Submitted 1.2.29.

Approved.

1/2

A. This may be done by the Mun. Secty.

2/2/29

B

30/3

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

Confidential.

M. C. 13]

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore....2nd March.....192 3 2d

4966

No. C 177 2nd 24-5

FROM P. G. D'Souza, Esq., B.A., B.L.,
~~The~~ Muzrai Commissioner in Mysore.

Muzrai 5-2-24.

To

(2362

2nd March) 2 2nd March, 28

D. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.

SIR,

X Q. In continuation of my No.Ca.p.5/27-28 dated 30th February 1928 forwarding an original petition submitted by Mr. P.Keshava Iya in the matter of the installation of Bhantha Nithyananda, Swami of the Adi Chunchingiri Matha in the Nagamangala Taluk, I have the honor to submit herewith for kind information of Government a copy of the plaint filed by Sivanathaji and others in the Court of the Munsiff of Mandya, praying, among other reliefs, that a permanent injunction may be granted prohibiting the 1st defendant from succeeding to the headship of the Matha and enjoying the 2nd -- defendant and the Committee not to conduct the installation ------ ceremonies. I was also given to understand that the same Munsiff had passed an order granting a temporary injunction in O.S. No.336/27-28 that the installation ceremony should be stopped and that the same was served on the Swami and Mr. M.C. Lingegowda at about --- 10 A.M. on the 23rd after the installation was over.

2. In this connection I beg to bring to the notice of Government the following facts which conclusively show that the Munsiff was very ill-advised in passing the order in the matter of temporary injunction.

3. The Government Order appointing Sri Gurusiddeshwara as the --- Guru of the Matt was passed on 26th November 1927 and the same was communicated

communicated by me to all the parties concerned including Sivanathji on 28th November 1927. The party has filed the suit and prayed for permanent injunction only on 22nd February 1928 i.e. just on the day previous to the one fixed for the installation. By the time the suit was filed, hundreds of people had already assembled at the place and elaborate arrangements costing thousands of rupees had been made. It is estimated that at least 10 or 12 thousand people had assembled on the morning of the 23rd including the important leaders of the Vokkaliga community. The District officers and myself were also there. The 3rd Member of Council who was also expected to come, arrived there at about 11 A.M. on the 23rd. I have a feeling that action in the matter was deliberately delayed and attempts made to serve the order of injunction in a most dramatic fashion at the time of the ceremony, partly owing to the pique felt by Sivanathji and his partisans at having been ousted from the matt.

4. Though the nomination of Sri Gururamappa has been approved by Government, the party has omitted to make them a party to the suit and Mr. M.C. Linge Gowda who has nothing to do with the nomination of the Swami has been made the 2nd Defendant. Without hearing the Swamigalu or any officer of Government and though the party filed the suit at the last moment, the Munsiff has thought it fit to issue the temporary injunction order. If it had been served on the Swami before the installation, it would have caused ------ considerable inconvenience to the ten or fifteen thousand people that had assembled for the occasion, besides causing considerable pecuniary loss. There was a lot of excitement among the people when the rumour about the grant of the injunction order was ---- ought to them and it required all the tact of the local officers to prevent any violent ~~dxx~~ demonstrations. Though a judicial officer is not expected to take cognizance of any matter that does not come to his notice in his judicial capacity yet this case had excited so much public attention that it is strange that he should have acted precipitately without any enquiry whatever without being on his guard.

5. The plaint is valued in this case at only Rs.200 while the Matt has an annual income of more than Rs.9000/-. If the Munsiff had

had even casually examined the plaint if he would have seen that he had no jurisdiction in the matter and the plaint was framed in such a way as not to entitle the plaintiffs to any relief. He does not seem even to have perused the Government Order. The mere fact that the Government had passed the order approving the nomination of Gururamappa after an elaborate enquiry ---- conducted by the Muzrai Commissioner and that the party had -- shown laches in filing the suit should have made the Munsiff - think twice before granting any temporary injunction. Besides the nomination of Gururamappa having received the previous --- approval of His Highness the Maharaja, it is very doubtful if a Civil Court can entertain suits of this nature. Of course the parties concerned will take necessary action to cancel the orders passed by the Munsiff, but I consider it necessary to bring the case to the notice of Government as I feel that this is a matter in which a Judicial Officer has obviously acted -- in a manner not warranted by the powers conferred on him by law so as to bring the whole administrative machinery into -- discredit and cause unnecessary excitement.

6 Chapter IV of the Mysore Religious and Charitable ----- Regulation of 1927 ~~deals~~ deals with mathas and similar institutions, but no provision has been made therein regulating the succession of Gurus to Mathas nor have the rules promulgated under Govern- ment Order No.233-42/M.F.102-92 dated 14th December 1892 been incorporated in the Regulation. But all such proceedings are now ~~regularized~~ regulated by the order of 1892 which is treated as --- having the force of law. In para 9 of their order No.101/10 M.F.48-08-2 dated 29th October 1908, Government have directed that questions relating to the use of insignias should not be referred to Civil Courts but they should be submitted to Government and their orders strictly enforced. Succession to Peetas is a more important and serious matter than the grant of --- insignias and it is absolutely necessary that definite provision should be made in the Mysore Religious and Charitable Regulation of 1927 debarring Civil Courts from entertaining suits relating to the same so as to prevent a clash between Government on the executive side and the Judicial Courts.

161-162

s the Government Order of December 1892 has not been finally abrogated, it is presumed to be still in force but it is necessary to make this point clear. Such a statutory provision seems to be all the more necessary when the nomination to vacant seats is made after obtaining the previous approval of His Highness the Maharaja and when without such approval no nomination is valid. Even if the machinery of the Civil Court is moved such proceedings become ineffective owing to the explicit orders of Government of 1892 -- referred to above. I beg therefore that necessary action in the matter may kindly be arranged to be taken in the Legislative ----- Department.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

In the court of the Munsiff of Mandya

original Suit No. 836
27-28.

plaintiff (1) ...

Defendants: (1) ...

(2) ...

(1) ...

(2) ...

(3) ...

(4) [illegible]

(5) [illegible]

ప్రతివాదుల తరపున వాదనలు విన్నాము. ఈ కేసు తీర్పుకు సంబంధించిన ముఖ్యమైన వాస్తవాలు క్లుప్తంగా ఇలా ఉన్నాయి:

(2) ఈ కేసులో ఫిర్యాదుదారు ఒక ప్రైవేట్ ఉద్యోగి. ఆయన తన ఫిర్యాదులో, తాను ఒక ప్రైవేట్ కంపెనీలో పనిచేస్తున్నానని, తన కంపెనీ ఖాతాదారులకు సంబంధించిన కొన్ని రహస్య సమాచారం తన వద్ద ఉందని, ఆ సమాచారాన్ని ఎదుటి పక్షం వారు అక్రమంగా పొందడానికి ప్రయత్నిస్తున్నారని పేర్కొన్నారు. ఆ సమాచారం తన వద్ద ఉన్నట్లు ఎదుటి పక్షం వారికి ఎలా తెలిసిందో తనకు అర్థం కావడం లేదని, తన ఫోన్ కాల్ రికార్డులను పరిశీలిస్తే ఈ విషయం తెలుస్తుందని ఆయన ఆరోపించారు.

(3) ఈ ఫిర్యాదు ఆధారంగా, ఎదుటి పక్షం వారిపై భారతీయ న్యాయ సంహిత, 2023 (BNS) లోని సెక్షన్ 318(4) మరియు సెక్షన్ 3(5) కింద కేసు నమోదు చేయబడింది. ఈ సెక్షన్లు మోసం మరియు నేరపూరిత కుట్రకు సంబంధించినవి. ఈ కేసు ప్రస్తుతం దర్యాప్తు దశలో ఉంది.

(4) ఈ కేసులో ముద్దాయిలు ముందస్తు బెయిల్ కోసం ఈ కోర్టును ఆశ్రయించారు. వారి తరపు న్యాయవాది వాదనలు ఈ విధంగా ఉన్నాయి:

(5) ముద్దాయిల తరపు న్యాయవాది వాదిస్తూ, ఫిర్యాదుదారు చేసిన ఆరోపణలు పూర్తిగా అవాస్తవమని, ఆయన వద్ద ఎటువంటి రహస్య సమాచారం లేదని అన్నారు. ఫిర్యాదుదారు తన ఫోన్ కాల్ రికార్డులను పరిశీలించాలని చెప్పడం ద్వారా, ఆయన ఏదో దాచిపెడుతున్నారని స్పష్టమవుతోందని వాదించారు. ముద్దాయిలు ఫిర్యాదుదారు యొక్క ఖాతాదారులతో ఎటువంటి సంబంధం లేదని, వారిని ఎప్పుడూ కలవలేదని తెలిపారు. ఈ కేసులో ముద్దాయిలను అరెస్టు చేయవలసిన అవసరం లేదని, వారు దర్యాప్తుకు పూర్తిగా సహకరిస్తారని హామీ ఇచ్చారు.

(6) అయితే, ఈ కేసు తీర్పులో కొన్ని ముఖ్యమైన అంశాలను పరిగణనలోకి తీసుకోవాల్సి ఉంది. ముఖ్యంగా, ఫిర్యాదుదారు చేసిన ఆరోపణలు తీవ్రమైనవి. ఒక ప్రైవేట్ ఉద్యోగి వద్ద ఉన్న రహస్య సమాచారం, ఎదుటి పక్షం వారికి ఎలా తెలిసిందో తెలుసుకోవడం ఈ కేసులో చాలా కీలకమైన విషయం. ఫిర్యాదుదారు తన ఫోన్ కాల్ రికార్డులను పరిశీలించాలని చెప్పడం, ఆయన ఆరోపణలకు కొంత బలాన్ని చేకూర్చుతుంది. ఈ కేసులో ముద్దాయిలను అరెస్టు చేయవలసిన అవసరం లేదని వారు చెప్పడం, దర్యాప్తు అధికారి యొక్క విచక్షణపై ఆధారపడి ఉంటుంది.

(7) కేసులోని వాస్తవాలు, ఫిర్యాదుదారు చేసిన ఆరోపణలు, ముద్దాయిల వాదనలు మరియు ఈ కేసులో ఉన్న ముఖ్యమైన అంశాలను పరిగణనలోకి తీసుకున్న తర్వాత, ఈ కేసులో ముద్దాయిలకు ముందస్తు బెయిల్ మంజూరు చేయడం సమంజసమని ఈ కోర్టు భావిస్తోంది. అయితే, ఈ బెయిల్ కొన్ని షరతులకు లోబడి ఉంటుంది. ముద్దాయిలు దర్యాప్తుకు పూర్తిగా సహకరించాలి. వారు సాక్ష్యాధారాలను తారుమారు చేయకూడదు లేదా సాక్షులను ప్రభావితం చేయకూడదు. వారు ఈ కోర్టు అనుమతి లేకుండా దేశం విడిచి వెళ్లకూడదు. ఈ షరతులను ఉల్లంఘించినట్లయితే, ఫిర్యాదుదారు లేదా దర్యాప్తు అధికారి ఈ బెయిల్ రద్దు చేయమని కోర్టును కోరవచ్చు. ఈ షరతులను ఉల్లంఘించినట్లు రుజువైతే, ముద్దాయిలు ఇచ్చిన పూచీకత్తును జప్తు చేయడంతో పాటు, వారిపై తగిన చర్యలు తీసుకోవడానికి కోర్టుకు అధికారం ఉంటుంది.

(8) ఈ పైన తెలిపిన నిబంధనలకు లోబడి, ఈ కేసులో ముద్దాయిలకు ముందస్తు బెయిల్ మంజూరు చేస్తూ ఈ కోర్టు తీర్పు ఇస్తోంది. ఈ తీర్పు 23.2.2026 నాడు, ఈ కోర్టు బహిరంగ విచారణలో వినిపించబడింది. ఈ తీర్పు యొక్క ధృవీకరించబడిన కాపీని ఈ కోర్టు అధికారిక వెబ్‌సైట్‌లో అప్‌లోడ్ చేయాలని, దాని ప్రకారం ఈ తీర్పు యొక్క ధృవీకరించబడిన కాపీని ఈ కోర్టు అధికారిక వెబ్‌సైట్‌లో అప్‌లోడ్ చేయాలని ఆదేశించడమైనది.

(9) ముద్దాయిలు ఈ కోర్టు ముందు హాజరై, వారి పాస్‌పోర్టులను 20/2/2026 నాటికి ఈ కోర్టులో సమర్పించాలని ఆదేశించడమైనది.

ఈ తీర్పు ఈ రోజు, అనగా 23.2.2026 నాడు, ఈ కోర్టు బహిరంగ విచారణలో వినిపించబడింది.

Mis 52-24

N o t e .

The recent event at the Chunchinagiri Mutt on the occasion of the installation of the new Swami on the 23rd instant, viz: an Injunction Order obtained by the opposite party from the Munsiff's Court at Nandya, raises a very important question of Policy which has to be tackled in respect ~~xxxxxx~~ of succession to Mutts. If the Injunction Order had been received a few hours earlier when the Installation ceremonies had far advanced but prior to the actual installation, His Highness' gracious order sanctioning the succession of the new Swami to the Peetah would have been set at naught, the Swami would have been put to a great ~~xx~~ deal of humiliation, and all the efforts made to make the function a success would have been frustrated. Fortunately all this was somehow averted; but it would be well for Government to arm themselves with the necessary authority against such ~~xxxxxx~~ catastrophies in the future at least.

2. Rule 5 of the Rules for the succession of Gurus to Mathas issued with G.O. No.233-42/M.F. 102-92 dated 14th December 1892 says that "non-recognition of a successor by His "Highness will involve the resumption of all "State Grants in land or money and the customary "Mariades and Birudus granted or enjoyed under "authority from the Sovereign". and G.O. No. 101-10/M.F.68-08-2 dated 29th October 1908 lays down that " on questions relating to the use of insignias, ~~xx~~ parties be not referred to "Civil Courts, but that all ~~xxxxxx~~ such

questions

"questions be submitted to Government for orders and "that the orders passed by Government be strictly "enforced!.

3. Though the orders quoted above are quite enough for the Courts not to entertain suits against orders passed by Government on the subjects in question, yet the ~~xxxxx~~ above orders were issued prior to the promulgation of the Law relating to the management of Religious and Charitable Institutions, viz: The Mustai Regulation VII of 1913 which has since been replaced by the Charitable and Religious Institutions Regulation VII of 1927. Now that the management of these institutions has been placed on a legal basis by the issue of the Regulation referred to above, which by the bye has not provided for averting the evils of the kind now under consideration, I beg to submit that action may now be taken to legalise the Government Orders referred to above and thus relieved the Civil Courts of jurisdiction over succession to Pathas and the Sirudus they should be granted, which are a prerogative of the Sovereign.

29.2.28